

REMARKS

Favorable action is requested for new claims 31-58.

Claims 7 and 13 were indicated to be allowable if rewritten in independent form.

As discussed below, the new claims all recite what is understood to be allowable subject matter that was included in original claims 7 or 13.

The drawings were objected to as failing to show a polarization control module and a spectrometer module connected to a single control unit as claimed in original claim 20. The accompanying proposed drawing change shows the spectrometer module 1 and the polarization control module 5 connected to a single control unit (unnumbered) of which the control units 7 and 15 form parts.

Claims 1, 14, 15, 17, 18, 20-23, 25, 28 and 29 were rejected under 35 U.S.C. §102, and claims 2-6, 8, 9-12, 16 and 24 were rejected under 35 U.S.C. §103 based on U.S. Patent No. 6,404,537 to *Melman et al.* Claims 19, 26 and 27 were rejected under 35 U.S.C. §103 based on *Melman et al.* in view of *Rossi et al.* While the amendments are submitted to overcome any possible grounds for rejection of the claims on prior art grounds, the applicants do wish to point out that they do not agree with the characterization of *Melman et al.* as corresponding to the claimed invention. *Melman et al.* discloses a polarization transformer for actively adjusting the polarization state of an incoming light signal while the present invention relates to spectrometry and measuring a power spectrum in a light signal. These are different tasks, even if they are both related to optics and light

signals. It is possible to apply a device according to *Melman et al.* together with a device according to the invention in a common system.

What are understood to comprise the principal contents of original allowable claims 7 and 13 have been included in new independent claims 43 and 31. Claim 31 recites a combination of features including a spectrometer module including a polarizer for selecting a component of polarization from a signal output from the DGD element and new claim 43 recites a combination of features including a lens placed between the DGD element and the detector array. Claims 31 and 43, and the claims dependent therefrom, claims 32-42 and 44-47, respectively, are submitted to define patentably over the cited references.

New claim 49 corresponds to original claim 20.

New claim 50 corresponds to original claim 22.

New claims 51-53 correspond to original claims 23-25.

New claims 54 correspond to original claim 26.

New independent method claims 55 and 57 correspond to original independent method claim 28 but also respectively recite subject matter similar to that recited in new independent claims 31 and 43 and are submitted to define patentably over the cited references.

It is respectfully submitted that all of the pending claims, claims 31-58, are in condition for allowance. Allowance is cordially urged.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in

resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: 09/09/09

By: [Signature]

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